



CITY of CALABASAS

**PLANNING COMMISSION AGENDA REPORT**  
**APRIL 18, 2024**

---

**TO:** Members of the Planning Commission

**FROM:** Glenn Michitsch, Senior Planner

**FILE NO(s):** SPR-2023-016 and OTP-2024-004

**PROPOSAL:** Request for a Site Plan Review and Oak Tree Permit for a new 2,268 square-foot two-story single-family home with an attached garage, maximum 6-foot-high retaining walls, hardscape and landscape, located at 23616 Valley View (APN: 2072-014-005), in the Rural Community (RC) Zoning District and Calabasas Highlands (CH) Overlay Zone. The proposed project includes removal of one on-site non-heritage oak tree and encroachment into the protected zone of three (3) off-site oak trees.

**APPLICANT:** Will Shepphird

**RECOMMENDATION:** That the Commission direct Staff to prepare a resolution for approval, or a resolution for denial, of File No(s).  
SPR-2023-016 and OTP-2024-004.

---

**REVIEW AUTHORITY:**

The Planning Commission is reviewing this project because Section 17.62.020 of the Calabasas Municipal Code (CMC) stipulates that construction of new residential single-family housing requires approval of a Site Plan Review, subject to review by the Commission. Additionally, Section 17.32.010(D)(3)(a) stipulates that removal of any living oak tree 6 inches in diameter is subject to review and a decision by the Planning Commission.

**BACKGROUND:**

On December 14, 2023, an application was submitted on behalf of the property owner(s) to construct a new single-family residence with an attached garage, retaining walls, hardscape and landscape on a vacant lot located at 23616 Valley View Drive (APN: 2072-014-005), within the Rural Community (RC) zoning district and Calabasas Highlands (-CH) overlay zone. The project was reviewed by the City's Development Review Committee (DRC) on December 29, 2023.

In accordance with Section 2.40.040 of the CMC, the Architectural Review Panel (ARP) reviewed the project on January 26, 2024. The ARP recommended approval of the design as is, but offered friendly suggestions to try to preserve the one oak tree that is proposed to be removed on the property (if possible), look at the possibility of combining the indoor and outdoor stairs, and explore moving the trash enclosure to the area of the driveway near the mechanical equipment (See Exhibit D for ARP meeting minutes).

On April 3, 2024, the application was deemed complete by Staff.

### **STAFF ANALYSIS:**

**A. Existing Site/Building Layout:** The existing site is a 5,040 square-foot (0.12 acre) undeveloped property located at 23616 Valley View Drive (approximately 90 feet west of the intersection of Valley View Road and Poppy Drive), within the Rural Community (RC) zoning district and Calabasas Highlands (-CH) overlay zone. The property is rectangularly shaped (60 feet wide by 84 feet deep) and slopes upward to the south from Valley View Road, with an overall elevation difference of approximately 26 feet measured from lowest point to highest point. Four-foot-wide utility easements run along the front, rear and eastern lot lines. The easements that run along the front and eastern lot lines are to the benefit of Southern California Edison (SCE). Through the City's research, it is uncertain what person(s) or entity currently benefits from the rear property line easement. When the tract map was recorded in 1925, the easement was retained to the benefit of the grantors of the property, Samuel and Rose Cooper, and their heirs, successors, administrators, executors, or assigns, generally for the purpose of utilities but no specific entities were identified. Note that the applicant is in the process of having SCE quitclaim/relinquish their easements. Vegetation on-site is primarily non-native ruderal species, with oak woodland located along the northernmost perimeter of the property and extending onto the property located to the west. More specifically, one non-heritage oak tree exists on the property (in the vicinity of the proposed driveway), one Heritage oak tree is located off-property to the north within the right-of-way, and two oak

trees (one Heritage and one non-heritage) are located on the property adjacent to the west within the vicinity of the development with protected zones that encroach onto the subject property. Two additional oak trees are located further west on the western adjacent property, but do not have protected zones that encroach onto the property.

The project site is surrounded by residentially zoned properties. Properties to the east and north are developed with single-family residences while the properties immediately west and south remain vacant. Existing homes in the vicinity are mostly two to three-story and range in size from approximately 1,237 square feet to 4,288 square feet (see Technical Appendix), according to data from the LA County Assessor. The average home size in the vicinity is 2,440 square feet, and the average lot size is 8,626 square feet.

The applicant is proposing to construct a new 2,268 square-foot two-story (3 level) single-family residence with an attached garage, which is within the above-mentioned range of home sizes in the vicinity. The proposed FAR is 0.45 (with the relinquishment of the easement rights), which complies with the 0.45 maximum for the zoning district and is within the range of FARs for the vicinity. The proposed structure is designed to step up with the ascending topography (north to south), and utilizes a series of structural step backs and north-facing balcony/deck areas to comply with CMC Section 17.18.025(C) (downhill building walls).

Retaining walls are proposed around the perimeter of the property, and in tandem with on-grade concrete stairs proposed on the western side of the residence will provide access around the property (in compliance with the LA County Fire Department's requirements) and usable yard areas. The roof is comprised of both pitched elements and flat elements (for the balconies), and are entirely at or below the 24' height requirement for flat roofs in the Calabasas Highlands Overlay Zone. The driveway (proposed as permeable pavers) is uniquely shaped, but designed to provide access to the garage and provide two additional off-street parking spaces while avoiding removal of the Heritage oak tree located immediately north of the property within the right-of-way. A trash area is proposed within the western portion of the driveway and is partially screened with a stucco wall. Mechanical equipment is proposed within a small front yard area adjacent to the first-floor balcony, and is proposed to be screened by landscaping. Stormwater collection will be accomplished via a series of roof gutters with downspouts and area drains for the yard areas, which will convey stormwater to a 550-gallon cistern placed below grade and located within the

proposed driveway area. Landscaping is proposed within planter areas created by the stepped retaining walls located in the rear and eastern side yard of the property and around the proposed mechanical equipment, and portions of the front yard will retain natural areas to include the Heritage oak tree immediately north of the property within the right-of way. The project plans are attached as Exhibit A.

The proposed single-family residence will be set back 20' from the front property line (20' min. required), 10' from the west side property line (10' min. required), 11' - 6" from the east side property line (10' min. required), and 19' - 10½" from the rear property line (15' min. required). The proposed site coverage (with the relinquishment of the utility easements) is 30.8% (35% maximum) and the proposed permeable surface area is 65.8% (65% minimum required) (see Technical Appendix).

- B. Architecture/Building Design:** The subject site is surrounded by mostly two and three-story single-family homes that vary in regards to architectural style, colors, and materials. See Exhibit E for a sample of homes within the immediate vicinity of the project site. The Architectural Review Panel reviewed the project on January 26, 2024, and the meeting minutes are included as Exhibit D. Figures 1 through 4 below demonstrate the project design as reviewed by ARP at the meeting:



Figure 1: Front elevation rendering – northeast perspective



Figure 2: Front (north) elevation rendering – street view.



Figure 3: Front (north) elevation rendering – aerial view.



Figure 4: Rear (south) elevation rendering – southeast aerial view.

As proposed, the residence includes mostly stucco finished exterior walls in a LA Habra “Saddleback” color, with fiber cement vertical HardiePanel siding in “Navy” color as an accent on a portion on both the northeastern and southeastern corners of the residence. Proposed roofing material is standing seam in a “Storm Gray” color. Metal trim is proposed as anodized aluminum in a “Midnight Bronze” color. Site retaining walls are stucco finished, also in a La Habra “Saddleback” color. The proposed trellis on the top-level deck will use sealed Douglas Fir wood. Driveway (permeable) pavers will be an Angelus Block in charcoal gray. Yard areas, aside from the concrete stairs, planters and natural areas will use decomposed granite (See Sheet G2.0 of Exhibit A).

At the ARP meeting on January 26, 2024, the ARP recommended approval of the design as is, with friendly suggestions to try to preserve the one oak tree proposed to be removed on the property (if possible), look at the possibility of combining the indoor and outdoor stairs, and explore moving the trash enclosure to the area of the driveway near the mechanical equipment.

- C. Landscaping and Oak Trees: Yard areas for the proposed new residence include a driveway constructed with permeable pavers, concrete stairs, decomposed granite rear and side yard areas, planters along the rear and eastern side dual retaining wall system, and a retained natural area in the northeastern portion of the property near the Heritage oak tree. The planters that run along the rear and southeastern portion of the property will be planted with rosemary, and Autumn Sage is proposed to screen the mechanical equipment within the front yard. The proposed landscaping and fuel modification plans are included as Sheets A1.3 and A1.4 of Exhibit A.

As described in the Oak Tree Report included as Exhibit F, four oak trees, all of which are Coast Live oaks, are located either on or adjacent to the project site, and will be impacted by the project. Additional oak trees are located on the property immediately west of the subject property, but are far enough away as not to be impacted.

Of the four oak trees, one oak tree is located on the subject property (Oak Tree #876), and is a young, multi-trunked, 8.7-inch aggregate diameter oak tree. It is located in the vicinity of the proposed driveway, and is proposed to be removed. Oak Tree #875 is a multi-trunked, aggregate 24.3-inch diameter Heritage oak tree located in the right of way just north of the northern property boundary. Its canopy encroaches onto the northern portion of the subject property. Additionally, since Oak Tree #875 is a Heritage tree, per CMC Chapter 17.32 and the City Oak Tree Preservation and Protection Guidelines, its protected zone is 50 feet from the trunk, and therefore occupies approximately half of the subject property. Off-Site Tree #1 is located approximately 32 feet west of Oak Tree #876 on the western adjacent property and is a multi-trunked, 28-inch diameter Heritage oak tree. Its tree canopy encroaches onto the northwest portion of the subject property, and its protected zone (incorrectly depicted on the project plans) also encompasses a large portion of the subject property. Please note that the applicant's oak tree report incorrectly identifies Off-Site Oak Tree #1 as a non-Heritage oak tree; however, upon inspection by the City's Arborist, was found to qualify as a Heritage oak tree. This point is noted in the City Arborist's review letter of January 22, 2024 (Exhibit G), but does not change any of the conclusions or recommendations. Finally, Off-Site Oak Tree #2 is also located on the western adjacent property about 33 feet south of Off-Site Oak Tree #1, and is a multi-trunked non-Heritage oak tree with a combined trunk diameter of 14.5 inches. Its canopy spread does not encroach onto the subject property; however, its protected zone does encroach 2 to 3 feet onto the subject property.

Based on the above observations, the proposed project would result in the removal of on-site Oak Tree #876, and encroachment into the protected zones of Oak Tree #875, Off-Site Oak Tree #1 and Off-Site Oak Tree #2. It is also noted that no pruning of any retained oak tree would be necessary to accommodate the proposed project. In compliance with CMC Chapter 32, mitigation for the removal of Oak Tree #875 would require mitigation of one inch of new oak tree planting for each inch of oak tree diameter removed. In this case, Oak Tree #875 is 8.7 inches in diameter, and therefore the applicant would be required to plant 8.7 inches of new oak trees (see Condition No. 16 in Exhibit C).

In the City Arborist's memo dated March 7, 2023 (Exhibit G), the City Arborist found the applicant's submitted report to be factually accurate (with the noted exception), and recommended approval of the Oak Tree Permit. The City Arborist agreed that construction activities were not likely to cause any long-term adverse impact to any of the encroached-upon protected oak trees, and recommends the incorporation of the mitigation measures listed in the submitted report. Additionally, following the initial review and acceptance of the oak tree report by the City Arborist, the applicant modified the project plans to include a sub-grade cistern (necessary to collect stormwater) placed in the northwestern portion of the property within the driveway area (See Sheet C-1.1 of Exhibit A), and within the protected zones of Oak Tree #875 and Off-Site Oak Tree #1. The City Arborist noted that placement of the cistern would not change the conclusions contained in the Oak Tree Report, but suggested that Condition Number 18 of Exhibit C be added to ensure that the excavation for the cistern does not damage Oak Tree Number 875 or Off-Site Oak Tree #1.

- D. Grading/Drainage:** The proposed project includes development of a new residence on a property that is sloping, and as such proposes grading of approximately 976 cubic yards of cut, 10 cubic yards of fill, and export of approximately 1,288 cubic yards of material to create a building pad and usable yard areas. The residence is proposed to be terraced into the slope; however, to create access around the residence and usable yard areas, a system of retaining walls is proposed around the perimeter of the property. Two terraced retaining walls (maximum 6 feet tall) run along the rear portion of the property and wrap around part of the eastern portion of the property. All proposed retaining walls are no more than six feet tall at their maximum heights (6-foot maximum height allowed). Drainage on-site would be collected from the roof of the residence through gutters and down spouts, and yard area drainage will be collected by a series of area drains. All drainage will be conveyed through



drain lines to a 550-gallon cistern proposed to be located in the northeastern portion of the property within the driveway area.

The preliminary grading and drainage plans (Exhibit A, Sheets C-1.0 – C-1.2) have been reviewed by the Public Works Department, and conditions of approval related to grading, geotechnical, and hydrology have been provided for incorporation into a resolution of approval if so directed by the Commission.

- E. **Biology:** A biological assessment of the site, performed by CJ Biomonitoring and dated November 30, 2023, was submitted by the applicant (Exhibit H). The report was peer reviewed by Michael Cady, a consulting biologist working for Dudek, one of the City contracted environmental consulting firms, who concurred with the information and findings contained in the report (Exhibit I).

In summary, no plant species, plant communities or wildlife species of special concern (SSC) were observed on the project site. Additionally, the project site does not contain any United States Fish and Wildlife (USFW)-Designated Critical Habitat or jurisdictional wetlands or waters. One sensitive plant community, *Quercus agrifolia* Forest Alliance (Coast Live oak woodland) was observed on the northern fringes of the property, extending onto the lot immediately west. The proposed development would require the removal of one juvenile tree (as discussed above in Section C), and would require mitigation to replace 7.8 inches in diameter of Coast Live oak species lost (Condition Number 16 in Exhibit C).

In terms of wildlife, Cooper's Hawk, a species of special concern was identified as having a high potential for occurrence on or in the vicinity of the project site, and suitable nesting and foraging habitat was found on and adjacent to the project site. Specifically, Cooper's Hawk is known to nest in oak trees. To this end, and to protect Cooper's Hawk and other avian species protected under the Migratory Bird Treaty Act and CDFW Code, the biological assessment recommends incorporation of a mitigation measure requiring the applicant to conduct nesting bird surveys within one week before the start of any work, and implement avoidance strategies if any nesting birds are discovered (see Condition No. 27 in Exhibit C).

### **REQUIRED FINDINGS:**

The findings for a Site Plan Review, and which the Planning Commission would

have to make for a project approval, are stated in Section 17.62.020 of the Calabasas Municipal Code as follows:

1. The proposed project complies with all applicable provisions of this development code;
2. The proposed project is consistent with the general plan, any applicable specific plan, and any special design theme adopted by the city for the site and vicinity;
3. The approval of the site plan review is in compliance with the California Environmental Quality Act (CEQA);
4. The proposed structures, signs, site development, grading and/or landscaping are compatible in design, appearance and scale, with existing uses, development, signs, structures and landscaping for the surrounding area;
5. The site is adequate in size and shape to accommodate the proposed structures, yards, walls, fences, parking, landscaping, and other development features; and
6. The proposed project is designed to respect and integrate with the existing surrounding natural environment to the maximum extent feasible.

The findings for an Oak Tree Permit are stated in Section 17.32.010 of the Calabasas Municipal Code. The Planning Commission would have to make one of the following findings for a project approval:

1. The request to remove an oak tree or scrub oak habitat is warranted to enable reasonable and conforming use of the subject property, which would otherwise be prevented by the presence of the oak tree or scrub oak habitat. Reasonable use of the property shall be determined in accordance with the guidelines.
2. The request to alter or encroach within the protected zone of an oak tree or scrub oak habitat is warranted to enable reasonable and conforming use of the property, which would otherwise be prevented by the presence of the oak tree or scrub oak habitat. In addition, such alterations and encroachments can be performed without significant long-term adverse impacts to the oak tree or scrub oak habitat. Reasonable use of the property shall be determined in accordance with the guidelines.
3. The condition or location of the oak tree or scrub oak habitat requires

altering to maintain or aid its health, balance or structure.

4. The condition of the oak tree or scrub oak habitat warrants its removal due to disease, dangerous condition, proximity to existing structures, high pedestrian traffic areas, such as parking lots and pedestrian walkways when such conditions may be unsafe or cannot be controlled or remedied through reasonable preservation and/or prevention procedures and practices.
5. Removal or altering of the oak tree(s) will have minimal impact on the total hardwood canopy with special emphasis on associated tree growth and their natural regeneration, wildlife habitat and heritage oak trees.

The applicant's proposed justification for the findings listed above is attached as Exhibit B.

**REQUESTED COMMISSION ACTION:**

Staff requests the Commission conduct the public hearing, and then direct Staff to develop findings in support of either approval or denial of the project, supported by the facts and testimony provided at the hearing. Note: A resolution of denial must include an explanation as to why at least one of the required findings discussed in this report cannot be made.

**ENVIRONMENTAL REVIEW:**

This project is Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (General Rule Exemption) and Section 15303 (New Construction) of the California CEQA Guidelines.

**CONDITIONS OF APPROVAL:**

If the Commission directs Staff to prepare a resolution of approval, potential project conditions of approval are attached as Exhibit C and will be incorporated into an approval resolution, which would return for Commission adoption at the next meeting.

**PREVIOUS REVIEWS:**

**Development Review Committee (DRC):**

December 29, 2023      Minor technical comments were provided to the applicant, including compliance with the development standards of the Calabasas Highlands Overlay Zone, and concerns related to grading, drainage, oak trees, biological resources, and proposed retaining walls.

**Architectural Review Panel (ARP):**

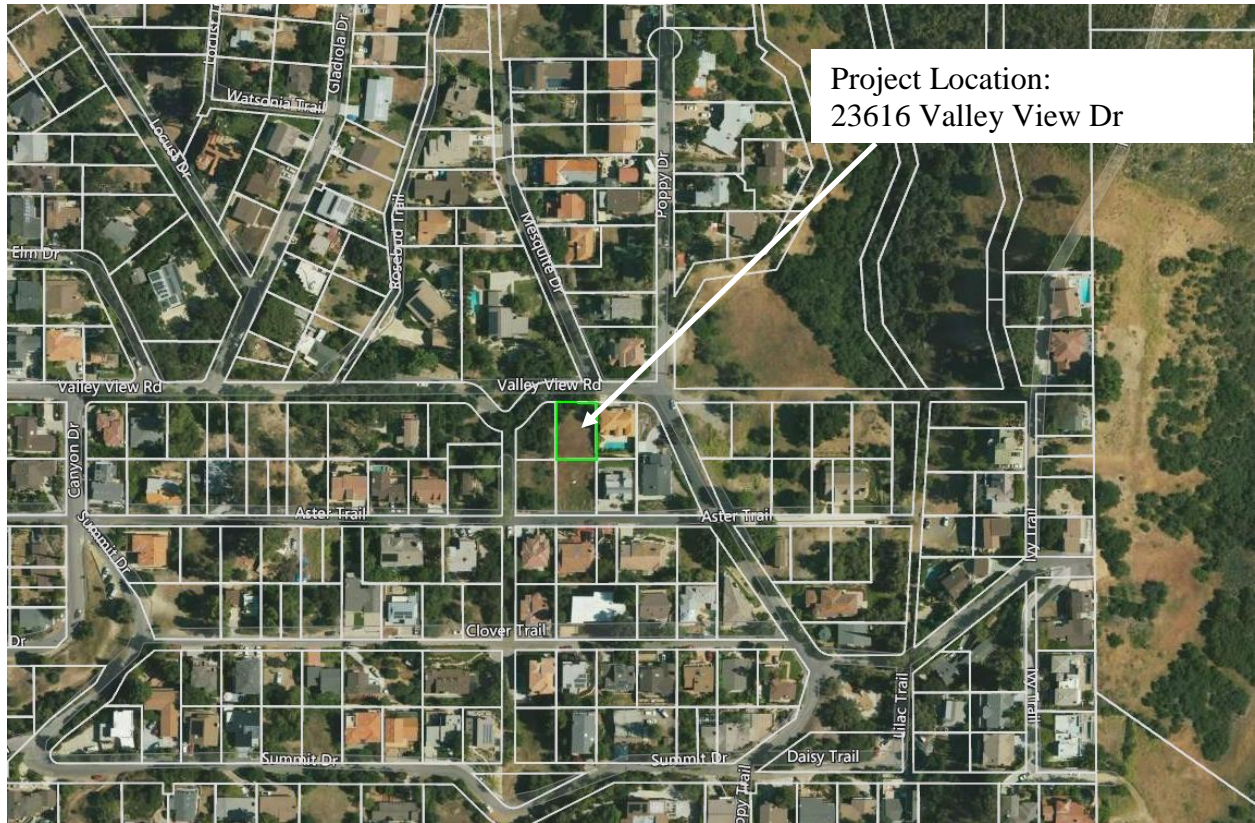
January 26, 2024      The ARP recommended approval of the design as is, with friendly suggestions to:

- 1) Try to preserve the one oak tree proposed to be removed on the property (if possible),
- 2) Explore the possibility of combining the indoor and outdoor stairs, and
- 3) Explore moving the trash enclosure to the area of the driveway near the mechanical equipment.

**ATTACHMENTS:**

- Exhibit A: Project Plans
- Exhibit B: Findings/Justification Submitted by Applicant
- Exhibit C: Draft Conditions of Approval
- Exhibit D: ARP Minutes from January 26, 2024
- Exhibit E: Sample of Homes in the Vicinity
- Exhibit F: Oak Tree Report submitted by Applicant
- Exhibit G: Peer-review of Oak Tree Report from City Arborist
- Exhibit H: Biology Report submitted by Applicant
- Exhibit I: Peer-review of the Biological Assessment from City Biologist

**TECHNICAL APPENDIX**



**Applicable Development Standards:**

**Code Limit**

<b>Gross Lot Size:</b>	5,040 Sq. Ft.			1 Acre (Legal non-Conf.)
<b>Gross Lot Size (Excluding Easements):</b>	4,256 Sq. Ft.			Easements proposed to be quitclaimed or otherwise relinquished
<b>Floor Area:</b>				
Proposed:	2,268 Sq. Ft.	0.45		0.45
<b>Setbacks:</b>				
Rear:	19 Ft. 10 ½ In.			15 Ft. Min.
Side (west):	10 Ft. 0 In.			10 Ft. Min.
Side (east):	11 Ft. 6 In.			10 Ft. Min.
Front:	20 Ft. 0 In.			20 Ft. Min.
<b>Height:</b>	24 Ft. 0 In.			24 / 27 Ft. Max.
<b>Site Coverage:</b>				
Proposed:	1,552 Sq. Ft.	30.8 %		35% Max.
<b>Pervious Surface:</b>				
Proposed:	3,316 Sq. Ft.	65.8 %		65% Min.

**Area Home and Lot Size Comparisons:**

SITE ADDRESS	RESIDENCE SF	LAND SF	FAR
23720 SUMMIT DR (subject)	2,268	5,040	0.45
23606 VALLEY VIEW	2,701	5,024	0.53
23594 VALLEY VIEW	2,018	10,215	0.20
23644 VALLEY VIEW	1,699	12,460	0.14
23645 VALLEY VIEW	3,047	29,820	0.10
23601 VALLEY VIEW	2,580	8,080	0.32
3521 POPPY DR	1,237	10,705	0.12
3525 POPPY DR	1,305	5,068	0.26
3516 MESQUITE DR	2,458	5,089	0.48
3528 MESQUITE DR	2,226	5,504	0.40
3532 MESQUITE DR	2,706	10,439	0.26
3533 MESQUITE DR	3,256	8,493	0.38
3527 MESQUITE DR	1,820	4,964	0.36
3526 ROSEBUD TR	1,820	5,249	0.35
3518 ROSEBUD TR	4,288	24,504	0.17
23621 ASTER TR	1,858	5,006	0.37
23641 ASTER TR	1,774	4,937	0.36
23647 ASTER TR	2,886	5,045	0.57
23653 ASTER TR	2,670	5,029	0.53
23620 ASTER TR	2,203	7,604	0.29
23630 ASTER TR	3,218	5,149	0.62
23636 ASTER TR	2,503	5,148	0.49
23640 ASTER TR	2,606	7,454	0.35
23648 ASTER TR	4,035	10,113	0.40
3449 ORCHID TRL	1,656	5,927	0.28



<b>AVERAGES (excluding subject site)</b>	2,440	8,626	0.35

Notes:

- 1) The House sizes do not include garages.
- 2) Project Site information obtained from the submitted project plans. Information on neighboring homes obtained from records of the Los Angeles County Tax Assessor Office.